

**KRATTENMAKER O'CONNOR & INGBER P.C.**

ATTORNEYS AT LAW

ONE MCKINLEY SQUARE  
BOSTON, MASSACHUSETTS 02109  
TELEPHONE (617) 523-1010  
FAX (617) 523-1009

January 11, 2017

CHARLES G. KRATTENMAKER, JR.  
MARY WINSTANLEY O'CONNOR  
KENNETH INGBER

OF COUNSEL:  
MICHAEL A. GAFFIN  
RAYMOND SAYEG

**VIA HAND DELIVERY**

Jennifer Raitt, Director  
Department of Planning and Community  
Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

Re: 29 Massachusetts Avenue

Dear Director Raitt:

Enclosed are eight (8) copies of an application for special permit pursuant to Section 11.06 of the Zoning Bylaw. I am also enclosing the fee of \$200.00.

In view of the fact that none of the site conditions are changing and this is exclusively related to the use of an existing building approved by the Board in connection with a prior EDR application, I have not included the Environmental Design submittals required for new construction.

Would you please schedule this matter for the February 6, 2017 ARB meeting? In advance, I thank you.

Very truly yours,

Mary Winstanley O'Connor

MWO/ccg  
Enclosures  
6448

cc: David Vasconcellos (via email)

**KRATTENMAKER O'CONNOR & INGBER P.C.**

Jennifer Raitt, Director

January 4, 2017

Page 2

bcc: Marc Cleric, Esq. (via email)



TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 11.06 of the Zoning Bylaw)

1. Property Address 29 Massachusetts Avenue Docket No. \_\_\_\_\_  
Name of Record Owner(s) See attached Phone \_\_\_\_\_  
Address of Owner \_\_\_\_\_  
Street \_\_\_\_\_ City, State, Zip \_\_\_\_\_
2. Name of Applicant(s) (if different than above) Arlington Health & Fitness, LLC  
Address 29 Massachusetts Avenue Phone \_\_\_\_\_  
Status Relative to Property (occupant, purchaser, etc.) Sublessee
3. Location of Property Assessor's Block Plan No. 23, Parcels 3B, 3C, 4A, 5, 9A, 23  
Assessor's Block Plan, Block, Lot No.  
14953 355
4. Deed recorded in the Registry of deeds, Book 15088, Page 124;  
-or- registered in Land Registration Office, Cert. No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_
5. Present Use of Property (include # of dwelling units, if any) Commercial-CVS Pharmacy,  
Restaurant use, health and fitness facility, retail and doctors' offices
6. Proposed Use of Property (include # of dwelling units, if any) See attached  
\_\_\_\_\_  
\_\_\_\_\_
7. Permit applied for in accordance with 4.10 Enclosed entertainment and  
the following Zoning Bylaw section(s) recreation facility, including  
health club  
\_\_\_\_\_  
\_\_\_\_\_
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

See attached

(In the statement below, strike out the words that do not apply)

The applicant states that Arlington Health & Fitness, LLC the owner -or- occupant -or- purchaser under agreement of the property in Arlington located at 29 Massachusetts Avenue which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

David Vasconcellos  
Signature of Applicant(s)

DAVID VASCONCELLOS, Manager

29 Massachusetts Avenue

Address

(781) 648-5433

Phone

7/08

**Paragraph 1**

WGM Realty Trust u/d/t February 18, 1983 recorded in the Middlesex So. Registry of Deeds at Book 14953, Page 347.

**Paragraph 6**

The petitioner has leased the space at 29 Massachusetts Avenue as a health and fitness facility for the past fourteen (14) years. The petitioner learned recently that no request had been made to change the use from the prior use, a children's entertainment center.

**Paragraph 8**

The Arlington Redevelopment Board granted a special permit for the redevelopment of the property at 25, 27 and 29 Massachusetts Avenue, Arlington, MA.

The original occupant of 29 Massachusetts Avenue, the rear building on the site, was a children's entertainment center.

That business vacated the property approximately fifteen (15) years ago. The property was subsequently rerented, in part, to Arlington Health & Fitness, LLC, a gym and health club. This business has operated at the site for fourteen (14) years.

The hours of operation are:

Monday-Thursday  
5:00 a.m. to 10:00 p.m.

Friday  
5:00 a.m. to 9:00 p.m.

Saturday and Sunday  
6:00 a.m. to 6:00 p.m.

The parking requirement of one space per 300 square feet is identical to the prior use. The use has not and will not create undue traffic congestion.

The use is one which is permitted by special permit in a B-4 zoning district and is one that is essential and desirable for the public welfare and convenience.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals or welfare. Further, the requested use will not, by its addition to the neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

197 701/106

1895

1944

UCLA  
K-01

4720

9/10/16

1001  
1005

Boys  
Girls

Box 1  
1000

1000

Back  
off

22

1992  
2015

2002  
2902

100 41000

70015  
70016  
70017

Bar 1 + 0.005

5th May

5.10.5

Ward  
Bulley

Doctors  
Office